

20942. Misbranding of V. S. Stocktone and adulteration and misbranding of V. S. Poultrytone. U. S. v. Eleven 6-Pound Packages of V. S. Stocktone, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30380, 30381. Sample nos. 34949-A, 34950-A, 38011-A, 38098-A.)

Examination of the stock and poultry remedies involved in these cases disclosed that they contained no ingredient or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. It also was claimed in the labeling of the Poultrytone that the article contained cod-liver oil and would be of value for egg production, whereas it contained no cod-liver oil and was valueless for egg production.

On May 1, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 packages of Stocktone and 23 packages of Poultrytone at Princeton, N. J., and 23 packages of Stocktone and 48 packages of Poultrytone at Phillipsburg, N. J. It was alleged in the libels that the articles had been shipped in interstate commerce on or about November 22 and November 25, 1932, by the Federal Food Co., from Fostoria, Ohio; that they were misbranded in violation of the Food and Drugs Act as amended, and that the Poultrytone was also adulterated in violation of said act. The articles were labeled in part: "The Federal Food Company, New York, N. Y."

Analyses of samples of the articles by this Department showed that the V. S. Stocktone consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, sulphur, phosphates and small proportions of nux vomica, quassia, fenugreek seed, and American wormseed; and the V. S. Poultrytone consisted essentially of calcium carbonate, magnesium sulphate, sulphur, and small proportions of iron oxide, capsicum, and quassia. Cod-liver oil was not present.

The libels alleged that the Poultrytone was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Ingredients * * * Cod Liver Oil."

Misbranding of the Poultrytone was alleged for the reason that the statements, "Ingredients * * * Cod Liver Oil * * * For Production of Eggs", were false and misleading; and for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

Misbranding of the Stocktone was alleged for the reason that the following statements regarding its curative and therapeutic effects, appearing on the carton label, were false and fraudulent: "V. S. Stocktone is not a cure all. It is a remedy specifically for stomach and intestinal worms—the cause of 90% of all the sickness and losses among live stock—especially hogs and sheep. V. S. Stocktone will destroy and expel stomach and intestinal worms. It will do more. It corrects and aids digestion, tones the system, puts the stomach in condition to assimilate the food better; enables the animal to derive more good from what you feed; creates a better appetite; regulates the bowels so that, in a short time a healthy vigorous animal is the result. * * * give them free access to V. S. Stocktone, They Will Doctor Themselves."

On June 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20943. Misbranding of Mixer's cancer and scrofula syrup. U. S. v. 17 Bottles of Mixer's Cancer & Scrofula Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28703. Sample no. 4093-A.)

Examination of the drug preparation involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed.

On August 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bottles of Mixer's cancer and scrofula syrup at Chicago, Ill., alleging that the article had been shipped in interstate commerce August 27, 1931 (in part on June 25, 1932) by the Mixer Medicine Co., from Hastings, Mich., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.